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Resolve, To Extend the Deadline To Adopt a Rule by the Department of Health and Human Services Regarding Smoking in the Workplace

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires that an agency finally adopt a major substantive rule within 60 days of the effective date of the legislation approving the rule; and

Whereas, the Legislature enacted Resolve 2007, chapter 4 as an emergency measure to approve the Department of Health and Human Services' final adoption of portions of Chapter 250: Rules Relating to Smoking in the Workplace, and chapter 4 became effective March 22, 2007; and

Whereas, the department was unable to take steps to finally adopt this major substantive rule within the 60-day deadline and thus requires an extension of the deadline to ensure that this rule's provisions do not lapse; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1 Extension. Resolved: That, notwithstanding the provisions of the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requiring the Department of Health and Human Services to finally adopt portions of Chapter 250: Rules Relating to Smoking in the Workplace within 60 days of the effective date of the resolve authorizing that adoption, the department shall finally adopt such portions of Chapter 250 as were authorized in Resolve 2007, chapter 4 within 60 days of the enactment of this resolve.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This resolve gives the Department of Health and Human Services additional time in which to adopt changes to Chapter 250: Rules Relating to Smoking in the Workplace, changes to which were authorized in the First Regular Session of the 123rd Legislature in Resolve 2007, chapter 4.